REMARKS

No claims have been amended, added or canceled by way of this response. Thus, claims 17-18, 20, 26-28, 30, 31, 33-47 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 103:

Claims 17, 20, 26-28, 30, 33-39 and 44-47 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Golla et al (USPN 6,587,874) in view of O'Toole et al. (USPN 6,345,294). Claims 18, 31 and 40 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Golla in view of O'Toole and Skemer et al. (USPN 6,570,849). Claims 41-43 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Golla in view of O'Toole, Skemer, and Choudhry (USPN 6,442,602).

Applicant's Claim 17 recites:

> transmitting a request message comprising the stored domain name
> to a domain name system server ... receiving a response message
> ... the response message comprising the looked up address
> information of the parameter server

Thus, a domain name sent to the domain name server is used to provide address information of a parameter server as depicted below (see also, FIG 2)
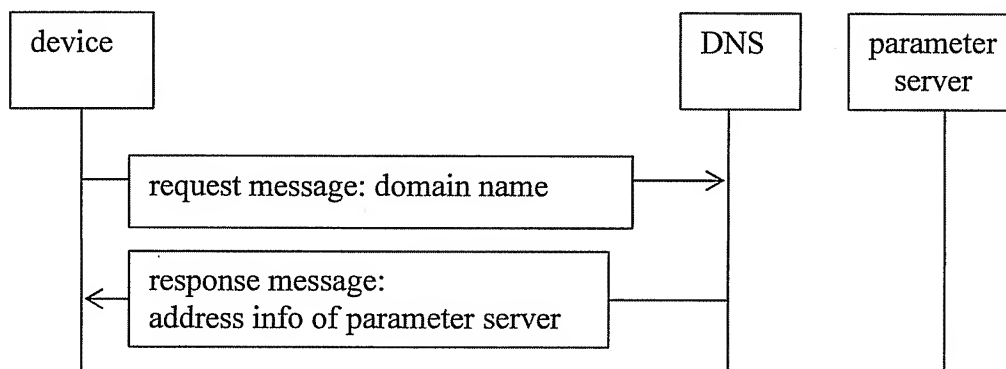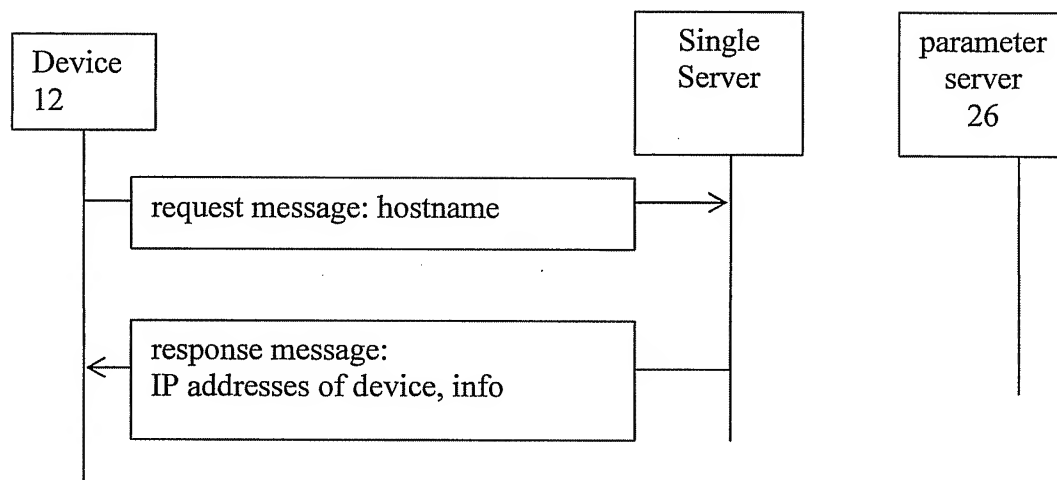
However, Golla teaches that in order to receive information required to access the closest parameter server, that three messages are sent from the device (IP Address message 207, DNS Query message 232, and TFTP Broadcast 236).
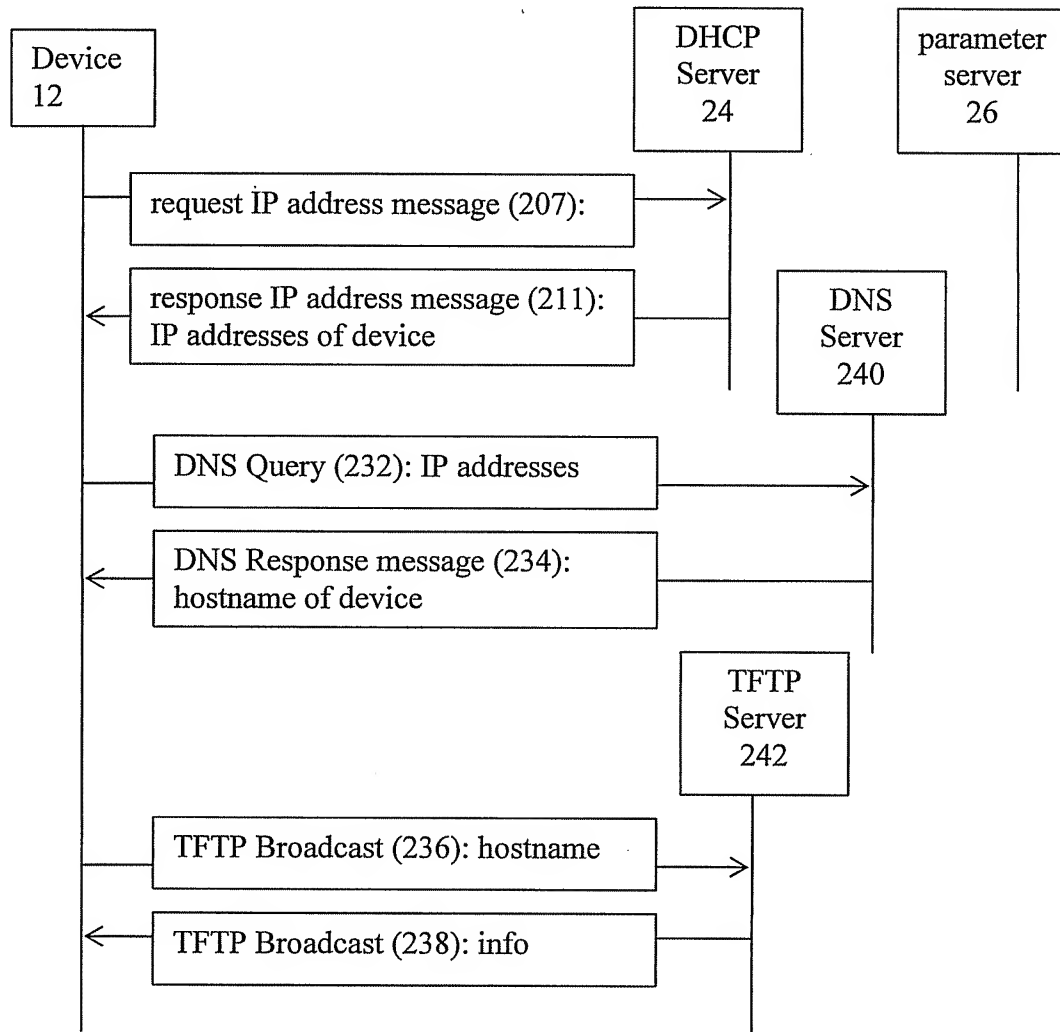
The Examiner states "It would have been obvious for one of ordinary skill in the art at the time of the invention to combine three servers (DHCP, DNS and TFTP servers) as taught by Golla into on DNS server in order to efficiently centralize multiple functionalities together" and that "it would be obvious to include a step of inputting a domain name in the configuring appliance as taught by O'Toole in order to properly connect to the server contains all the configuration information of the configuring appliance".

Thus, it would appear the Examiner has made the following combination.

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┌──────────┐                              ┌──────────┐   ┌──────────┐
│ Device   │                              │ Single   │   │parameter │
│ 12       │                              │ Server   │   │ server   │
│          │                              │          │   │ 26       │
└────┬─────┘                              └────┬─────┘   └────┬─────┘
     │    ┌─────────────────────────────┐     │              │
     │────│ request message: hostname   │───> │              │
     │    └─────────────────────────────┘     │              │
     │    ┌─────────────────────────────┐     │              │
     │<───│ response message:           │─────│              │
     │    │ IP addresses of device, info│     │              │
     │    └─────────────────────────────┘     │              │
     │                                        │              │
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However, Golla differentiates the sending of the TFTP message from the Request IP addresses and the DNS Query message. Golla teaches that the TFTP message is broadcasted. Applicants respectfully that one skilled in the art would recognize that broadcasting is different that sending/transmitting a message. A broadcasted message is sent to everyone in a network whereas sending/transmitting a message is sent to a specific address. If this new single message is sent to the single server then the principle of operation of Golla' is changed since the TFTP part is no longer broadcasted. Conversely, if the new single message is broadcasted, the principle of operation of Golla is changed since Golla does not teach or suggest that the Request IP Address or DNS query is broadcasted.

> "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" MPEP 2143 (section VI).

The Examiner also states that it "would have been obvious for one of ordinary skill in the art at the time of the invention to modify Golla to include a step of inputting a domain name in the configuring appliance as taught by O'Toole in order to properly connect to the server contains all the configuration information of the configuring appliance". O'Toole stores the DNS name for the appliance registry (server) having the configuration and not of the device requesting the configuration. Thus, O'Toole DNS name cannot reasonably be considered a domain name of the device.

> "All words in a claim must be considered in judging the patentability of a claim against the prior art" (MPEP 2173.06).

Furthermore, O'Toole teaches that the global unique number is based on a physical address (i.e. MAC address) and thus cannot reasonably be considered a domain name of the device.

> "During patent examination, the pending claims must be "given their broadest reasonable interpretation <u>consistent with the specification</u>." . . . The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach" MPEP 2111.

In view of the above, independent claim 17 is patentable. Independent claims 26 and 30 which have similar limitations are also patentable. Furthermore claims 18, 20, 37-40, 42 and 43 which depend on claim 17, claims 27, 28, 41, and 44 which depend on claim 26 and claims 31, 33-36 which depend on claim 30 are also patentable at least based on their dependency as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 103 rejections.

<u>Response to Obviousness-Type Double Patenting Provisional Rejection:</u>

The Examiner rejected claims 17, 26, 30 and 31 under the judicially created doctrine of obviousness-type double patenting, stating that although the subject matter of these claims is not identical to claims 15, 27 and 28 of copending Application No. 10/884,485, the pending claims are not patentably distinct from these claims. Although Applicant disagrees that with the Examiner's rejection of the terminal disclaimer, Applicant resubmit herewith a Terminal Disclaimer in order to promptly resolve this issue. Withdrawal of the double patenting rejection is therefore respectfully requested.
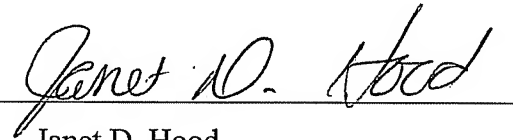
Conclusion

Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Oct, 27, 2008

By: _Janet D. Hood_

Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830